

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
THE NEW YORK CITY DISTRICT COUNCIL OF :
CARPENTERS PENSION FUNDS et al., :

Plaintiffs, :

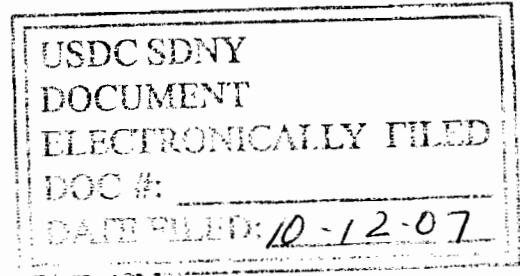
-v- :

RIVER AVENUE CONTRACTING CORP., :

Defendant. :
----- X

07 Civ. 6450 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

On consent of the parties, see transcript, 10/12/07, the Court hereby confirms the arbitrator's award, orders defendant to promptly make its own books and records available for an audit by plaintiffs, denies defendant's motion to dismiss the complaint and vacate the award, and converts the proceeding into a hearing as to whether defendant should be held in civil contempt for its refusal to allow plaintiffs to audit the books and records of Extreme Concrete Corporation and R&N Concrete Corp. or whether, by contrast, defendant lacks ability to provide such access to plaintiffs. As further set forth in open court, see transcript, 10/12/07, an evidentiary hearing on the issue of civil contempt will be held on November 14, 2007 at 3 p.m., prior to which the parties may conduct limited discovery on the terms and schedule set forth by the Court on October 12, 2007.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
October 12, 2007